

Pappas, Peter-Anthony

From: Benson, Carl [CBenson@goodwinprocter.com]
Sent: Thursday, June 17, 2010 9:52 AM
To: Pappas, Peter-Anthony
Cc: Scott Jr, Thomas J
Subject: Application Serial No. 08/397,636

Examiner Pappas,

Per your request, below is the meaning of the term "unit of programming." We will be glad to discuss this term further today at 2:00 PM.

"The term "programming" refers to everything that is transmitted electronically to entertain, instruct or inform, including television, radio, broadcast print, and computer programming as well as combined medium programming." Spec. p. 11, ll. 6-10. This is consistent with the definition of programming in the abstract of the parent '490 Patent. A unit of programming is a organized collection of information in the form of electronic data or signals which convey the "programming" as defined in the specification. Examples include television or radio shows, commercials, graphic or print presentations that are electronically transmitted. (This interpretation is consistent with the Board's treatment of the term "programming" in the appeals decided in both the copending applications and the reexamination proceedings.)

Thus, in column 11, lines 18-31, of the '490 Patent, the cable television's programming schedule identifies each discrete unit of programming with a unique program code. That is each television program and commercial in the schedule is identified with a unique program code. In addition to being identified with a unique code, the properties of a program unit, such as its proper use or retransmission time, may be identified by embedded signals as set forth in the '490 Patent at column 2, line 67 - column 3, line 3.

As set forth in MPEP 502.03, we recognize that Internet communications are not secure. According, applicants hereby authorize the USPTO to communicate with us concerning any subject matter of this application by electronic mail. We understand that a copy of these communications will be made of record in the application file.

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6/17/10

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